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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

DAVID K. MANN, individually;
ELIZABETH S. MANN; DELANEY
MANN; AND M.H.M., MINOR CHILD, BY AND
THROUGH HER FATHER AND NEXT FRIEND,
DAVID K. MANN,

PLAINTIFFS,

v.

REDMAN VAN & STORAGE CO., INC.;
AND ROWDY B. ANDERSON,

DEFENDANTS.

Civil No. 10-128-M-DWM-JCL

**NOTICE OF OBJECTION TO
DEFENDANTS' PROPOSED VERDICT
FORM**

Pursuant to the local rules and this Court's January 6, 2012 Order, Plaintiffs hereby give notice to the Court and all parties that they object to the Defendants' proposed verdict form and the parties have been unable to agree on a joint proposed verdict form based on the following.

Defendants have persisted to include Kelly Mann on the verdict form, including questions required to the jury regarding Kelly's percentage of fault, and the allocation of fault between the defendants and Kelly Mann, regardless of whether the jury finds in earlier questions that Kelly Mann was negligent. Such a verdict form clearly would invite an inconsistent verdict—if the jury determines that Kelly Mann was not negligent, the jury must be instructed not to answer questions regarding causation or any possible percentage of fault to be placed on him. Moreover, Defendants have not responded to repeated requests from Plaintiffs to work with or agree to Plaintiffs' proposed verdict form, which addresses the foregoing concerns.

For the foregoing reasons, plaintiffs respectfully request the Court utilize the plaintiffs' proposed verdict forms as filed, Docket #48 and 49.

DATED this 10th day of January , 2012

/s/ Tyson E. Logan

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